City of Lafayette Staff Report

For:	City Council
By:	Glenda Warmoth, Assistant Planner
Date Written:	May 1, 2009
Meeting Date:	May 11, 2009
Subject:	APPEAL BY THE APPLICANT OF THE PLANNING COMMISSION'S DENIAL OF: **MS511-89CC & DR32-08 DAVID CLAYDON (APPLICANT), DAVID & ANN INGLIS (OWNERS), R-10 ZONING**: Request for: (1) design review pursuant to Section 6-1903 of the Lafayette Municipal Code to construct a 576 sq.ft. second-story addition over the existing garage with a maximum ridge height of 24'-0" increasing the total square footage to 3,684 sq.ft. thereby requiring (2) a change to Condition of Approval #33 for the minor subdivision that created the lot (file number MS511-89) that restricts the total floor area of all structures on the lot to 3,115 sq.ft. located at 3538 O'Conner Drive, APN 241-200-046.

Statutory Deadline: Not Applicable

Summary of Requests

This matter is a City Council de novo hearing on an appeal of the Planning Commission's denial of MS 511-89CC and DR32-08. The applicant is requesting approval of a subdivision change of conditions to increase the building square footage above 3,115 and allow a second story addition above the existing garage which also requires design review approval.

Background

MS511-89CC and DR32-08 was considered by the Planning Commission in two separate public hearings and the Design Review Commission three times. The initial feedback to the applicant from the Design Review Commission was largely positive and only minor modification to the plans was requested. Prior to their first public hearing before the Planning Commission, staff received a public comment letter from the neighbor directly east expressing many concerns regarding the proposed addition. Based on the public comment and inconsistencies in the plans the Planning Commission sent the project back to the Design Review Commission for a second review. During the subsequent meetings with the Design Review Commission the application was revised to remove windows, alter floor to ceiling heights, introduce gabled end along the front façade and change the roof pitch. While these modifications were made to reduce the impact of the addition they did not result in a cohesive architectural expression and the Design Review Commission, after two hearing recommended denial to the Planning Commission.

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On April 2, 2009, the Planning Commission denied MS511-89CC & DR32-08. The denial was appealed to the City Council on April 14, 2009.

Site Conditions and Location

Street:	O'Conner Drive
Existing Development:	Single story single family residence with attached garage
Existing Vegetation:	The lots parameter contains 10 trees clustered along the northern and western property lines.
Lot Size:	10,133 sq. ft.
Zoning / Overlay Districts:	R-10 (Single-Family Residential District - 10)
Topography	The property is level and contains and 5 ft. wide drainage easement which runs along the eastern and northern property lines.

Project Description

Site Data	Existing	Proposed	Notes
Gross Floor Area (GFA)	3,108 sq. ft.	575 sq. ft.	Addition of 575 sq. ft. exceeds the max of 3,115 sq.ft.
Structure Height	20 ft. 6 in.	24 ft.	Height per § 6-313 & Triggers Design Review
Vehicular Parking	1 spaces	1 spaces	Existing non-conformity

The applicant is proposing to construct a new second-story addition above the existing garage to create a master bedroom suite. The building exterior would be vertical siding painted Kelly Moore dreamy white. The building accents will be a shade of grey called sommelier to match the current design. Vehicular access to the property is provided in an existing easement from O'Conner Drive.

CEQA

The project was evaluated in accordance with the California Environmental Quality Act (CEQA) and determined to be categorically exempt under Section 15301.

Public Response

Property owners within 300 ft. of the subject property were mailed a notice of public hearing, and the immediate area was posted at least ten days prior to the scheduled public hearing on December 9, 2008. No public comment letters were received prior to either public hearing.

A new notice of public hearing to property owners within 300 ft. of the subject property were mailed a notice of public hearing on December 23, 2008 prior to the Planning Commission hearing held on January 22, 2009. On January 21, 2009 Nancy Crawford, who resides at 3538 O'Conner Drive, submitted a comment letter in person and via email. Her letter has been included in its entirety as an attachment to this staff report.

Ms. Crawford's letter of opposition to the project expressed their belief that the height of the proposed garage would create a massive structure out of proportion and scale with their residence and that the owners had removed a curb required as a condition of approval when the residence was originally approved by the City of Lafayette.

Agency Response
The project plans were referred to the City Engineer, Contra Costa Consolidated Fire Protection District (CCCFPD), Contra Costa County Lamorinda Building Inspection Department (CCCBID), InsideOut Design the City Landscape Consultant. The following are summaries of the comments received:

The City Landscape Consultant, InsideOut Design submitted comments on December 1, 2008

1. Recommends against using artificial turf as part of the front and rear yard landscaping for the project site and it not pet friendly, will likely not weather well and without a extensive subsurface drainage system, (not proposed on plans) will likely cause ponding onsite.
2. Recommends the property owners instruct the contactors to obtain from washing paint brushes at the root of the two coast live oak trees along the western property.

Contra Costa County Fire Protection District submitted comments on December 1, 2008

1. The existing automatic fire sprinkler system shall be modified to extend coverage to the proposed second story addition and comply with the 2002 edition of the NFPA 13D.
2. The developer shall provide roof coverings with a minimum Class A rating. Untreated wood shake or shingles are not allowed.

Commission Review History

On December 9, 2008 the Design Review Commission conducted a public hearing where they considered the applicants request. After discussion and review of the project plans the commission moved to recommend approval to the Planning Commission requested the following alterations:

1. The Design Review Commission felt that windows along the eastern elevation could pose a privacy impact to the adjacent neighbor if the sill heights were very low. They requested the sill heights for the widows to be labeled clearly on the plans.

2. Revise all elevation drawing to clearly illustrate how roof tie ends will be constructed.

On January 5, 2009 applicant's submitted revised plans illustrating the requested changes on page A3. The Planning Commission considered the application during a public hearing on January 22, 2009. After discussion, deliberation and public comment the Commission made the following requests:

1. That the application be reviewed again by the Design Review Commission to address the privacy concerns raised by the neighbor

On February 24, 2009 the Design Review Commission considered the application at the request of the Planning Commission. The Commission received public comment along with a oral staff report and after discussion continued the matter to the March 24, 2009 and requested the following:

1. Direct the property owner to talk with the next door neighbor to determine what modification to the project can be made which would allow their support for the application. City staff realizes that the neighbor may not be satisfied with the revised proposal but would like the owner to pursue this discussion and document the date at which it occurs.
2. Reconsider the building massing and incorporate architectural modification which will make the addition appear smaller. In addition it would be beneficial to illustrate the existing building elevations at the same scale on the same sheet as the proposed elevations.
3. The Design Review Commission also requested that all neighbors receive notification regarding the Inglis intent to develop their property.

On March 5, 2009 the applicant submitted revised plans to the City of Lafayette. The drawings included a redesign of the second story addition which eliminated the hipped roof and introduced a steeper roof pitch. In addition the architect loved the plate height by one foot from 11 feet to 10 in the garage and from 9 feet to 8 in the play room. Lastly the maximum building increased from 22'8" to 23 feet as result of the steeper roof pitch. Along with the revised plans the architect submitted a letter outlining their reasons for not relocating the addition over the center of the residence and listing the reasons why the feel the selected location is appropriate for the site.

Staff reviewed the drawings and asked the applicant to find a new design solution which would not result in an increased building height, create a separate front elevation drawing showing the home as it is today without the addition and the new area as a dashed line and submit a copy of the letter submitted to the neighbors soliciting their feedback.

In response to staff's request the applicants submitted a second set of revised drawing on March 18, 2009. The new drawings incorporated the hipped roof at the rear of the building; eliminate the second story windows along the east elevation, maintain the lower first floor plate height in the garage and play room to achieve a maximum height of 20 feet. These plans were dated stamped received on March 18, 2009 and included in the Design Review Commissions packet or the March 24. 2009.

The Design Review Commission conducted a public hearing on March 24, 2008 during which the application and its revisions were discussed. After deliberation the Commission voted to forward a recommendation of denial to the Planning Commission. In their motion the

Commission stated that they were unable to make any of the four finding necessary to approve an addition exceeding 17 feet in height as listed in section 6-1905 of the Lafayette Municipal Code nor could that make a positive finding for items 3 or 4 in section 6-275 which are the general findings for project which trigger design review approval.

In response to the Design Review Commission feedback and recommendation the applicant has requested that the Plans placed before the Planning Commission for consideration are the original drawing submitted on January 5, 2009. The applicant has stated he believes these plans were "approved" by the DRC and represent a design which is not only consistent with the required finds for second story additions but also consistent with their request for change of conditions approval.

Staff Analysis and Comments

The applicant has requested approval to change the subdivision condition of approval number 33 which limits the gross floor area to 3115 sq. ft. in order to construct a second story addition above the garage. The existing residence with Design Review Commission approval and contains 3,108 sq ft with a single story massing. O'Conner Drive is an usual neighborhood within Lafayette as many of the lots are smaller and land locked creating an intimate residential setting where development impacts are amplified by the lack of space.

Change of Condition

When the subject lot was created one of the conditions of approval limited the floor area to 3,115 sq. ft. and the second story square footage to no more than 50% of the first floor area. While the proposed addition increases the gross floor area above 3,115 sq. ft. it does not exceed 50% of the first floor area. Staff supports amending this condition as the additional square footage increase of 575 sq. ft. and believes that a properly designed addition will have a minimal impact off site.

It is the applicants opinion that the modest size of the addition, 575 sq. ft. is not inconsistent with the original intent of the subdivision condition of approval. The applicant contends that the plans originally reviewed by the Design Review Commission on December 9, 2008 are consistent with the applicable finding and should have been approved by the Planning Commission as recommended. Staff is in agreement that the size of the addition will not create an inconsistency with the intent of the original subdivision condition of approval and supports amending the limitation to allow the expansion.

Design Review Conformance

The change of conditions is only half of the request. The application also requires design review approval for additions which exceed 17 in height. To that end it should be noted that the addition conform the development standards of the R-10 zoning district. The addition has been stepped back from the existing garage wall and has a setback of 14 feet exceeding the required side yard setback of 10 feet. Despite the conformance with the development standards the building design has not been fully incorporated into the existing architecture which staff believes will result in an increased bulk and appear out of scale with it surroundings.

Summary

After two additional Design Review Commission meetings and additional design iterations a recommendation of denial has been forwarded to the Commission. Staff supports the recommendation of denial on the bases of that the final design (received march 18, 2009) is inconsistent with the design guidelines for residential additions and does not respond effectively to the constraints of the lot. Fundamentally staff can support the increase of the floor area above the limit set with the subdivision so long as the design is consistent with residential guidelines and new massing is incorporated into the buildings architecture in a seamless manner. Staff finds that the simple increase of square footage above 3,115 sq. ft. would not inherently create an overdeveloped parcel nor be out of character with similarly sized lot.

Staff Recommendation

Staff recommends the Council adopt Resolution 2009-28 upholding the Planning Commission's denial of MS511-89CC & DR32-08.

Attachments

1. City Council Denial Resolution 2009-28
2. Subdivision Conditions of Approval & Historical Meeting Minutes
3. Public Comment Letters in the order received
4. Applicant and owner letters responding to Commission Guidance
5. Design Review Commission meeting minutes from 12-9-08
6. Planning Commission meeting minutes from 1-22-09
7. Design Review Commission meeting minutes from 2-24-09
8. Design Review Commission meeting minutes from 3-24-09
9. Planning Commission meeting minutes from 4-2-09
10. Agency Referral Responses
11. Photos of Story Poles taken by staff
12. Reduced Project Plans received January 22, 2009
13. Reduced Project Plans received March 18, 2009

Draft CC Resolution 2009-28

BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE

In the Matter of:

Consideration of the appeal by the applicant of the Planning Commission's denial of MS511-89CC and DR32-08 to construct a 575 Sq. ft second-story addition over the existing Garage thereby requiring a change to condition) of approval #33 for the minor subdivision that restricts the total floor area of all structures on 3,115 sq. ft. located at 3538 O'Conner DR APN 241-200-046	Resolution 2009-28

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE DENYING AN APPEAL BY DAVID CLAYDON OF THE PLANNING COMMISSION'S DENIAL OF MS511-89CC AND DR32-08 WITH PREJUDICE

RECITALS

A. On September 8, 2008 David Claydon filed an application request for a Change of Conditions and Design Review Approval (MS511-89CC & DR32-08) which was deemed incomplete by Planning Services Division staff on October 3, 2009.

B. On October 16, 2008 the applicant submitted revised plans which were reviewed by staff and deemed incomplete a second time.

C. On October 27, 2008 the applicant submitted revised plans which were also deemed incomplete.

D. Revised plans were reviewed and deemed complete by staff on November 12, 2008. The matter was placed on the Design Review Commissions agenda for their December 9, 2008

E. On December 9, 2008 the Design Review Commission considered the application. After receiving an oral staff report, public comment and deliberating the Commission recommended approval to the Planning Commission and requested design alterations to the plans..

F. On January 22, 2009 the Planning Commission, following notification to the public in the prescribed manner conducted a public hearing where it received written and oral testimony including a staff report. After discussion the Commission remanded the application to the Design Review Commission for a second time to addresses issued raised in public comment.

G. On February 24, 2009 the Design Review Commission, following notification to the public in the prescribed manner conducted a public hearing where it received written and oral testimony including a staff report. After discussion the Commission continued the matter

March 24, 2009 to allow the applicant additional time to respond to Commission comments and concerns.

H. On March 24, 2009n the Design Review Commission, conducted a public hearing where it considered the revised application. After discussion the Commission found that they were unable to support the application forwarded a recommendation of Denial to the Planning Commission. The Commission siting a lack of consistency with the findings necessary to approved addition over 17 feet in height found in section 6-1903 of the LMC.

I. On April 2, 2009 the Planning Commission conducted a public hearing where it considered the revised application, meeting minutes, public comments contained in the public file, an oral staff report and verbal applicant presentation. After discussion the Planning Commission adopted Resolution 2009-02 denying MS511-89CC & DR32-08 without prejudice.

J. On May 11, 2009, the City Council conducted a de novo public hearing on the appeal where it received written and oral testimony including a written staff report dated May 11, 2009. After considering the matter, the City Council voted to deny the appeal by the applicant of the Planning Commission's denial of MS511-89CC & DR32-08 to construct a second-story addition and subdivision change of conditions and deny the applications without prejudice.

NOW, THEREFORE, the City Council of the City of Lafayette, California finds and determines as follows:

1. All the facts contained in the staff report prepared for the December 9, 2008, January 22, 2009, February 24, 2009, March 24, 2009, April 2, 2009 and May 11, 2009 M meetings are hereby adopted as the Commission's own findings of fact and incorporated into this resolution by reference.

2. The required findings for the requested Minor Subdivision Change of Condition per section 6-2019 of Lafayette Municipal Code (LMC), Design Review Approval per section 6-275 and 6-1905 of the LMC have been evaluated by the Commission as follows:

Findings

When approving a change of conditions to a minor subdivision the Planning Commission must make the original finding as when the application was originally approved. Minor Subdivision are subject to sections 6-215, 6-216 of the Lafayette Municipal Code and section 66474 of the Government Code.

§6-215 & §6-216 Findings for Approval of a Subdivision or a Minor Subdivision

1. The proposed subdivision will not be detrimental to the health, safety and general welfare of the city.

2. The proposed subdivision will not adversely affect the orderly development of property within the city.

3. The proposed subdivision will not adversely affect the preservation of property values and the protection of the tax base within the city.

4. The proposed subdivision is consistent with the general plan and each element of it and will not adversely affect the policies and goals set forth in the general plan.

5. The proposed subdivision will not create a nuisance or enforcement problem within the neighborhood.

6. The proposed subdivision will not encourage marginal development within the neighborhood.

7. The proposed subdivision is consistent with the purpose section of the zoning district in which it is located.

The proposed addition will not be detrimental to the health, safety or general welfare of the city or neighborhood. Placing additional square footage above existing building area is often times a solution which preserves vegetation, open space and is most commonly employed on small infill lots. While the proposed second story addition and the square footage it will add will not create an enforcement problem within the neighborhood and the zoning development standard allow second story additions the proposed building design has been found by staff and the Design Review Commission to be in conflict with the City of Lafayette Design Guidelines for residential development. Staff has found that approving a marginally designed second story addition on a constrained lot will encourage development of a similar quality on comparable parcels.

Pursuant to Section §66474 of the State Map Act, the hearing body must make the following findings in order to approve a minor subdivision:

1. That the proposed map is consistent with applicable general and specific plans as specified in Section 65451.

The proposed change of conditions map complies with the goals and policies of the General Plan and the standards of the R-10 district. No specific plans are applicable for this property.

2. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

The proposed addition design has been found by staff and the Design Review Commission to be the wrong solution for such a constrained lot and thus inconsistent the City Design Guidelines. No specific plans are applicable for this property.

3. That the site is physically suitable for the type of development.

The project is flat and suitable for development. However the chosen design has been situated in a location on the building which will result in increased bulk. The architectural design of the second story has not been completely or gracefully incorporated into the building existing design character contributing to its massive appearance.

4. That the site is physically suitable for the proposed density of development.

The original subdivision condition of approval 33 placed a limitation on the floor area of all structures building on lot B. The conditions stipulated that no structure was allowed to exceed 3,115 sq. ft and the second story square footage of a residence could not exceed 50% of the first floor. The applicant has proposed adding a room which increases the floor area by 575 sq. ft. bringing the floor area for the building to 3,684 sq.ft. The additional area has been designed to comply with the City's current zoning development standards and does not increase the second story floor area above 50% as it constitutes 21% of the first floor area. Staff has determined that the property size is suitable for the proposed density of 3,684 if properly designed and incorporated into the existing development seamlessly which the current design does not.

5. That the design of the subdivision or type of improvements is not likely to cause serious public health problems.

The proposed addition will not cause serious public health problems as it has been designed to comply with Lafayette Municipal Code and the Universal Building Code.

6. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

The existing structure has been placed outside of access and utility easement and complies with the R-10 zoning setbacks. As such constructing a second story addition above existing area in compliance with not cause conflicts.

§6-275 Specific findings required for design review.

1. Every provision of this chapter is complied with;
2. The approval of the plan is in the best interest of the public health, safety and general welfare;
3. General site considerations, including site layout, open space and topography, orientation and location of buildings, vehicular access, circulation and parking, setbacks, height, walls, fences, public safety and similar elements have been designed to provide a desirable environment for the development;
4. General architectural considerations, including the character, scale and quality of the design, the architectural relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing and similar elements have been incorporated in order to ensure the compatibility of this development with its design concept and the character of adjacent buildings; and
5. General landscape considerations, including the location, type, size, color, texture and coverage of plant materials, provisions for irrigation, maintenance and protection of landscaped areas and similar elements have been considered to ensure visual relief, to complement buildings and structures and to provide an attractive environment for the enjoyment of the public.

The new addition has been designed to add a new bedroom and bath to the existing single family residence along the eastern elevation. The Design Review Commission has determined that the proposed design is inconsistent with findings 6-275 (3) and (4) listed above as the second story addition will result in an increased building bulk and create a large massing lacking visual relief.

§6-1905 General findings for structures over 17' in height

1. The structure substantially complies with the city's residential design guidelines;
2. The structure is so designed that it will appear compatible with the scale and style of the existing neighborhood and will not significantly detract from the established character of the neighborhood;
3. The structure is so designed that it does not appear too tall or massive in relation to surrounding structures or topography when viewed from off-site;
4. The structure is so designed that it does not unreasonably reduce the privacy or views of adjacent properties.

The proposed second story addition has been in accordance with the single family zoning development standards of the R-10 district. the proposed maximum height 20'6" is siting wiell below the district maximum of 35ft and the addition has been setback from the eastern property line 14 feet where the code minimum is 10 feet. By siting the addition over existing building area the applicants have conserved existing open space and preserved existing vegetation. Despite the removal of window to prevent privacy impact of new living area within a close proximity to a neighboring residence the proposed addition is still inconsistent with finding for structures over 17 feet in height. After multiple public hearing the Design Review Commission found that they could not make any of the findings listed in section 6-1905 for structure which exceed 17 feet in height. The Commission found that the proposed design would appear out of scale with the existing building architecture and massing and thus detract fromteh established character of the neighborhood.

3. This resolution becomes effective upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Lafayette at a meeting held on May 11, 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Joanne Robbins, City Clerk

Don Tatzin, Mayor

Subdivision Conditions of Approval & Historical Meeting Minutes

CONDITIONS OF APPROVAL
MS 511-89

APPROVED MARCH 22, 1990

1. The City approves this 2-lot subdivision based on the submitted tentative map dated received, January 25, 1990 , on file in the City Offices and alterations required by these conditions of approval.

2. This tentative map approval will terminate two years after the date of approval of this application unless a Parcel Map is approved by the City and also recorded with the County Recorder's Office within that time period. Upon application of the subdivider, filed before the expiration of the tentative map, an extension of time of up to two years may be granted by the Planning Commission.

3. In accordance with Section 92-2.006 of the County Ordinance Code, this subdivision shall conform to the provisions of the County Subdivision Ordinance (Title 9) as adopted by the City of Lafayette. Any exceptions must be specifically listed in these conditions of approval.

4. All utility distribution services shall be installed underground. Conduit for cable television shall also be installed underground at the developer's expense.

5. Each home constructed in the Minor Subdivision shall be subject to the requirements of Section 6-1600 et. seg. (Parkland Dedication Fees) and Section 8-113 (Walkways Fees).

6. All new impervious surface within each lot is subject to Section 8-700 et. seq. (Drainage Impact Fees).

7. If archeological materials are uncovered during grading, trenching or other excavation, earthwork within 100 feet of these materials shall be stopped until a professional archaeologist who is certified by the SOA and/or SOPA has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation measures, if deemed necessary.

8. Development on each proposed lot shall be in accordance with the EBMUD water conservation guidelines in effect at the time of new construction.

9. The Parcel Map shall be recorded before sale or new development of any approved parcel.

10. Site improvement work, any construction work, including setup work, loading or unloading of materials or equipment, or the maintenance, refueling of tune-up of any equipment, either interior or exterior of the buildings, performed as part of the initial building of the project is restricted to the hours between 7:00 a.m. and 6:00 p.m.

    Work listed above shall be restricted to weekdays and is not permitted on federal holidays, Saturdays or Sundays.

    Violations of this condition may result in issuance of a Stop Work Order.

    This condition does not apply to the construction activities of public utilities.

11. Restraints upon location of construction equipment and noise shall be as follows:

    a. Stationary equipment (e.g. compressors) shall not be located closer than 40 ft. to any property line or exceed 70 dBa at 50 ft.

    b. Non-stationary mobile equipment shall not exceed 80 dBa at 50 ft.

    c. Notwithstanding the above conditions, the noise level at the nearest affected property line shall not exceed 80 dBa.

12. The placement of mailboxes within the right-of-way should conform to current standards of the U.S. Postal Department and the Public Works Department. The subdivider is advised to contact the postal service and find satisfactory arrangements for mail delivery.

13. Prior to filing the Parcel Map map the applicant's engineer shall submit a hydraulic analysis of the existing drainage system through the Haines and Lafayette Medical Group properties. The analysis shall demonstrate a) capacity for the system to handle runoff from the Sarsfield property and remaining upstream properties, or b) list improvements needed to provide hydraulic adequacy.

14. Prior to filing the Parcel Map the proposed frontage improvements will conflict with existing drainage in the upstream ditch. A preliminary drainage plan shall be submitted showing how this conflict will be resolved.

15. The frontage of O'Connor Drive shall be improved with shoulder improvements and drainage satisfactory to the City Engineer.

16. A 12' minimum driveway shall be installed over the Parcel B flag stem as part of subdivision improvements. The structural section shall be based on recommendations of a soils engineer. Any portion of the driveway serving two lots shall be a minimum and maximum of 16 ft. wide.

17. A private access and utility easement shall be dedicated over the flag stem in favor of Parcel A.

18. The existing ditch along the north property line shall be placed in a pipe. A private drainage easement in favor of upstream properties shall be dedicated over the pipe.

19. A closed storm drain shall be installed across Parcel B from the northeast corner and stubbed to Parcel A. A private drainage easement shall be dedicated over Parcel B in favor of Parcel A.

20. Improvement plans shall be prepared by a registered civil engineer for review and approval by the City Engineer prior to filing the parcel map or the start of any construction.

21. An encroachment permit shall be obtained from the City Engineer prior to start of any construction in the public right-of-way.

22. A joint maintenance agreement for the common driveway and for any joint drainage facilities shall be recorded between Parcels A and B in conjunction with filing the final map.

23. The owner shall execute a subdivision agreement with the City of Lafayette requiring installation of all public/private improvements within one year of filing the Parcel Map. A bond or other security in the amount of the cost of the improvements shall be posted prior to filing the map.

24. The developer shall be responsible for arranging and paying for relocation of utilities as needed to construct subdivision improvements.

25. Prior to the issuance of a building permit for the new house on Parcel B, a detailed soils report including subsurface investigation and laboratory analysis shall be provided to the Building Inspection Department. The recommendations of the soils report shall be implemented in the house design and foundation plans.

26. The developer shall provide an adequate and reliable water supply for fire protection with a minimum fire flow of 1,000 GPM. Required flow shall be delivered from not more than one hydrant while maintaining 20 pounds residual pressure in the main.

27. The developer shall provide one hydrant of the East Bay type. Hydrant shall be located behind the face of curb near access road on O'Connor Drive.

28. Provide access roadways with all-weather driving surfaces of not less than 16 feet unobstructed width, and not less than 13'-6" of vertical clearance, to within 150 feet of travel distance to all portions of the exterior walls of every building. Access roads shall not exceed 20% grade, shall have a minimum inside turning radius of 28 feet, and must be capable of supporting the imposed loads of fire apparatus (20 tons).

29. Dead-end fire department access roads in excess of 150 feet long shall be provided with approved provisions for the turning around of fire department apparatus.

30. Access roads and hydrants shall be installed and in-service prior to combustible construction.

31. Approved premises identification shall be provided. Such number shall contrast with their background and be readily visible from the street.

32. The developer shall provide roof coverings with a minimum Class C rating. Untreated wood shake or shingles are not allowed.

33. Prior to the issuance of a building permit for Parcel B, the building plans including siting, elevations, colors and materials and landscaping shall be reviewed and approved by the Design Review Committee. Particular concern shall be given to preserving all the better trees and landscaping, providing a home compatible with those existing in this older neighborhood, and protecting the privacy of adjoining properties. The total floor area of all structures shall

not exceed 3,115 sq. ft. The second story square footage shall not be greater than 50% of the square footage of the first floor.

34. Trees required to be retained through the design review process required by Condition No. 33, shall be protected during construction by the following measures:

a. Trees shall be protected during construction by wooden fencing made of 2" x 8" rails and 4" x 4" posts placed around each tree at a minimum of 5 ft. from trunks except for the minimum necessary work to put in the required roadway improvements.

b. To reduce soil compaction from equipment, a mulch of 1-2 inch sized wood chips should be placed under the drip lines at a depth of 4 inches on the soil where no excavation is to occur for those trees affected by grading or construction.

c. Low, hanging limbs or saved trees should be pruned prior to grading, etc. to avoid tearing limbs by heavy equipment.

d. During grading, roots over 1 inch in diameter should be cut off cleanly with a handsaw about 12 inches behind the line of excavation. Any exposed roots shall be kept moist by being placed in plastic bags secured by tape.

e. Do not allow raising of the grade around the tree trunks. This causes rotting of the trunk, and serious damage/death to the tree.

f. Finished grades should slope way from trunks to avoid water concentrated at their bases.

g. Little or no irigation within 8-10 feet of trunks.

h. Drip irrigation and drought tolerant plants are recommended under drip line.

i. If large diameter roots (>4 inches) are encountered within the zone of excavation, an alternative footing should be used which bridges the roots with pilings and grade beams.

j. Trenches or footings should be located no closer than 8 feet from the base of the tree trunks.

k. A test trench should be dug to check on the occurrence of roots at the distance where foundation will be. Roots over 3 inches in diameter shall not be disturbed.

l. When trenching for utilities, tunneling should be done under large diameter roots to prevent their cutting.

Trees other than oaks may tolerate more disturbance and moisture than do oaks. After advance approval by the City Landscape Architect, granted for non-oaks, variations of these conditions may be approved.

Prior to issuance of a building permit for all parcels, the applicant shall provide visual and written evidence to the Planning Director, prepared by a licensed landscape architect or professional arborist or licensed landscape contractor, that the tree protection measures required by this section are in place.

35. Prior to recording of the Parcel Map, Parcel A shall be provided with off-street parking meeting the requirements of the R-10 zone generally as shown on subject Tentative Map.

36. Street lights shall not be required as part of this subdivision.

coams511.89
3/23/90

CITY OF LAFAYETTE
PLANNING COMMISSION MEETING

MINUTES

Lafayette Community Center
Lafayette, CA

March 22, 1990
7:30 p.m.

1. CALL TO ORDER: The meeting was called to order at 7:32 by Chairman Horn.

2. ROLL CALL

Present:	Commissioners Ateljevich, Garvens, Samson, Chairman Horn
Absent:	Commissioners Norgaard, Holt, Blits
Staff:	Carlos Anglin, Planning Director, Mike Henn, Asst. Planning Director, Betsy Van Popering, Associate Planner, Mark Lander, City Engineer, Dianne Aicardi, Recording Secretary

3. ADOPTION OF AGENDA: Chairman Horn announced that item #8 (MS 501-CC) had been withdrawn. It was M/S/C (Ateljevich/Garvens) to adopt the agenda with the removal of item #8, MS 501-89CC. Unanimous.

4. PUBLIC COMMENT: There were no comments from the public.

5. MS 508-90 PARVIZ MARAFTABI (APPLICANT & OWNER), R-10: Request for a minor subdivision of .69 acres into two lots, located at 901 Dewing Avenuye, APN 241-180-006. CONSIDERATION OF ADOPTION OF NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT - CONTINUED FROM 2/8/99.

Mr. Henn stated that there were difficulties with earlier maps in regard to the hillside ordinance and creek setback. A new map was received March 13 with a revised setback which the City Engineer finds to be in conformance. There is a 32% exclusion requested for parcel A and 35% for parcel B. The major issue is whether there is sufficient room on parcel B for a home site. The proposed footprint (1180 sq. ft.) indicates that a two-story home up to 2400 sq. ft., including gargage is feasible. Draft conditions have been prepared and staff recommends taking testimony and continuance as necessary.

Parviz Miraftabi, applicant, said there is 12% coverage of the lot with the current plan and a neighbor received recent approval to increase his lot coverage. He felt there was plenty of room to increase the size to 4,000 sq. ft. and said he did not understand the "overcrowding" concern. He stated that surrounding homes are the lowest priced homes in Lafayette and concerns regarding compatibility are unfounded. In response to Comm. Samson, he said all homes surrounding his are two-story. He said he had not finalized his plans for the additional home.

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Comm. Ateljevich asked about the neighbor variance mentioned by the applicant. Mr. Henn said a small home to the north was granted a variance for a deck in the rear.

In rebuttal, Mr. Miraftabi said he did not understand how staff arrived at the 1,180 building envelope and a 2,000 sq. ft. two-story home with 400 sq. ft. garage is possible.

There were no speakers; the public hearing was closed.

Comm. Garvens stated she originally did not think it was possible but it appears a reasonable size home might be possible. However, she said she could not approve the application without a definite house plan in place. Comm. Ateljevich said the net size of this lot will be 5,000 sq. ft. which is a marginal situation. She expressed concern about approving lots of this size, pointing out that the City has an ordinance against creating lots that are too small. Chairman Horn felt the applicant had demonstrated that there is a house site and with sensitive architecture, it would be possible to add a house. Comm. Samson said he had not visited the site but shared the concerns of Comm. Ateljevich regarding approval of a marginal lot.

Comm. Samson asked Mr. Miraftabi if he would be involved in the design of the house. Mr. Miraftabi said he was qualified to design the home and would taylor it to the site. Comm. Garvens suggested continuance for staking of the proposed two-story footprint for a better sense of the lot coverage.

It was M/S/C (Garvens/Samson) to continue MS 508-90 to May 10, 1990. Unanimous.

6. MS 511-89 SCHELL & MARTIN, LEO SCHELL (APPLICANT), CHESTER A. SARSFIELD (OWNER), R-10: Request for a minor subdivision of .577 acres into two lots, and a variance to reduce the sideyard for an accessory structure from 3' to 0', located at 3540 O'Connor Drive, APN 241-200-0311. CONTINUED FROM 2/8/90.

Mr. Henn stated that proposed conditions of approval were reviewed at the February 8 meeting. Issues discussed were trees, parking, and retention of the accessory structure. The street widening and sidewalk alternative issues remain unresolved. The City Engineer recommends a five foot widening and installation of curb, gutter and sidewalk. Staff feels that it is only through development requests such as this that we have an opportunity to get walkways to serve the public. It was suggested at the last meeting that the City Attorney has concerns about collecting money and not spending it in the immediate area. The public response at the last meeting was mixed. Comm. Garvens said it appears there could be a problem if we keep the street narrow but wish to see the sidewalk added.

Comm. Samson expressed concern about the rationale for the sidewalk, either asphalt or concrete, due to recent testimony against it. Mr. Henn said the principle benefit of sidewalks is pedestrian safety and there are two schools nearby and 17 homes up the street. Mr. Lander said the concrete curb and gutter would convey the roadside drainage and prevent it from ponding in the shoulder area. An ashphalt berm can do the same thing, just as an asphalt walkway can work, but the concrete is more permanent and requires less maintenance. Comm. Ateljevich asked how he would propose edging the street if it were known it was never going to be widened. Mr. Lander said if formal improvements were not going to be made they would not put in curb, gutter and sidewalk and probably some widening of the shoulder with ashphalt on one side. He said his preference would be to regrade the shoulder and revamp the driveway approaches, putting in either a paved shoulder or a rolled berm to convey drainage. It could work in an informal way.

Comm. Ateljevich asked about condition #3 indicating that the application has to conform to subdivision ordinance Title 9. She asked if there needs to be an exception for street lights. Mr. Henn said there is also a spacing concern in that ordinance and it may not be necessary to make an exception if one wasn't called for this amount of distance from another street light. Mr. Lander said we may be getting close to the point where we would like to add a street light.

Mr. Martin said the owner agrees to all conditions and will work with the trees in the yard, subject to design review. Regarding street widening, he said they would prefer to add an ashphalt walkway. He said they understand the drainage needs to be carefully worked out and pointed out there are no street lights on O'Connor.

There were no speakers; the public hearing was closed.

Comm. Ateljevich felt the house size restriction would work and she favored staff alternative No. 2, stating that the five foot r/w shall be dedicated. She suggested instead of a three foot minimum walkway, it should state that the shoulder will be improved with base rock and appropriate drainage conveyance acceptable to the City Engineer. Other road front improvements could be secured by a cash bond, refundable within two years if a formal plan is not adopted. At that time the additional r/w could also be returned if not needed for road widening.

Mr. Lander felt the idea of getting shoulder improvements is good but if we are not going to require a sidewalk from the applicant, it may not be a good idea to require the cash bond which would tie up the applicant's funds for a two-year period. He suggested wording to condition #15 that "the existing shoulder shall be improved to convey drainage in a manner acceptable to the City Engineer." He preferred that the portion to convey drainage be paved and that everything beyond that could be base rock.

Comm. Garvens concurred with the recommendations by the City Engineer.

It was M/S/C (Garvens/Samson) to approve MS 511-89CC subject to the conditions of approval in the staff report with condition #15 as amended above. The findings can be made. Unanimous.

Chairman Horn stated that there is a 14 day appeal period to the City Council.

7. MS 505-89 SCHELL & MARTIN, LEO SCHELL (APPLICANT), RONALD JOHNSON (OWNER) R-40: Request to subdivide two lots (6.16 acres) into three lots, located at 1474 and 1478 Hillside Terrace, APN 230-030-009 and 010. CONSIDERATION OF ADOPTION OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT - CONTINUED FROM 2/8/90.

Ms. Van Popering stated that an additional condition was added this evening regarding a recommendation from the fire district that the turnaround be improved to their standards. Staff recommends approval of the application. The conflicts with adjacent neighbors have been resolved. Chairman Horn noted that drainage is a major concern.

Mr. Lander said the staff report mentions erosion control concerns. He said drainage improvements have been installed by the developer and that problem has been addressed in that manner and further through conditions #7 and #10.

Leo Schell, applicant, pointed out on the displayed map what is proposed to improve the situation. He said in meeting with Mr. Lander, he felt it would be a good idea to invest the same amount of money that he would normally require in the other direction into storm drains being extended along Reliez Valley Road. He said they concurred and felt it was a better use of the money and the drainag will be cut down by 75%.

Mr. Lander said since preparing his original staff report the Reliez Valley Road plan had been agreed upon as stated by Mr. Schell. He said conditions #9 and #10 would remain with modified language that the improvements be altered to the satisfaction of the City Engineer.

Paul Menses, representing the owner, said neighbor concerns regarding landscaping have been worked out and a written agreement has been entered into. The concerned neighbor has submitted a letter to that affect. Mr. Menses said they would do whatever the Planning Commission deems necessary.

Comm. Ateljevich suggested landscaping be added between the neighbor and parcel C. Mr. Menses said this is a new issue and was not one of the exhaustive list of concerns conveyed by the neighbors. Ms. Van Popering said that parcel C has already been approved with a landscaping plan and it doesn't address the current concerns. Mr.

CITY OF LAFAYETTE
PLANNING COMMISSION MEETING

MINUTES

Lafayette Community Center
Lafayette, CA

February 8, 1990
7:30 p.m.

1. **CALL TO ORDER**: The meeting was called to order at 7:38 p.m. by Chairman Horn.

2. **ROLL CALL**

Present:	Ateljevich, Blits, Samson, Garvens, Holt, Chairman Horn
Absent:	Commissioner Norgaard
Staff:	Mike Henn, Asst. Planning Director Mark Lander, City Engineer Dianne Aicardi, Recording Secretary

3. **ADOPTION OF AGENDA**: It was M/S/C (Holt/Blits) to adopt the agenda with the addition of 10(c) Conflict of Interest Map discussion, and (d) March 22 Meeting discussion. Unanimous.

4. **PUBLIC COMMENT**: There were no comments from the public.

5. **CONSENT CALENDER**: Comm. Samson removed L 5-89 from the Consent Calendar. Comm. Holt abstained from discussion. Chairman Horn said four previous meetings have been held on this matter and he had reviewed the minutes and listened to tapes of earlier meetings to become familiar with the application and issues.

Comm. Samson stated that he had concerns about specific language in the conditions which would adequately reflect the record and deliberations. After discussion, the findings were revised as follows:

#3 - second paragraph, fourth sentence to read "The home west of the project at 3301 So. Lucille would have a view of an institutional parking lot from its second story windows. The last sentence will read "The merits of the building design do not compensate for the fact that the use is an institutional one and not a residential one and would adversely affect the property value of the two most impacted residences located at 3301 and 3268 South Lucille, and potentially the Lafayette Valley Estates neighborhood.

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Comm. Ateljevich asked what would happen is the leech field is not acceptable. Mr. Henn said the parcel map could not be recorded until the leech field and septic tank are approved.
Peter Yaeger, applicant, said he would comply with standard conditions. He said he had discussed problems with the fire department and the sprinkler system is acceptable. He said he didn't understand how some conditions would fit in as this is a private road. He said the leech field is a problem and the house may have to be moved up the hill. He indicated the area on the displayed map. He requested continuance until information is received from the Health Department.

Comm. Ateljevich agreed the septic tank/leech field information is necessary to proceed. Another issue is whether the fire district can prevail over the City with requirements for 20 ft. wide driveways. Comm. Blits asked Mr. Henn to determine the legal affect of the Planning Commission's position if we change the requirements of the fire district. Mr. Henn said the fire district had required a 20 ft. driveway at the last meeting. He said he had discussed the matter with the City Attorney who stated the City would prevail.

It was M/S/C (Blits/Horn) to continue MS 507-89 to May 10, 1990 to allow time for the applicant to explore conditions of concern with staff and a decision from the Health Department regarding the septic tank and leech field. During discussion, Comm. Garvens said the applicant should come back with a plan that is acceptable without violating the hillside ordinance. The vote was unanimous.

7. MS 511-89 SCHELL & MARTIN, LEO SHELL, (APPLICANT), CHESTER A. SARSFIELD (OWNER), R-10: Request for a minor subdivision of .577 acres into two lots, and a variance to reduce the sideyard for an accessory structure from 3' to 0,' located at 3540 O'Connor Drive, APN 241-200-031. CONTINUED FROM 1/11/90.

Mr. Henn said a letter was received from Mr. Smith regarding the sidewalks. Several issues arose at the January 11 hearing. There was concern about the appearance of the driveway, trees on lot B, the existing storge building, parking on parcel A, and whether the sidewalk should be required on O'Connor frontage. Staff generally supports the sidewalks. Staff prepared proposed conditions of approval.

Howard Martin, applicant, passed out photos taken by the builder showing the property from several angles. He said it would be possible for a garage with a turnaround but you would lose the back yard. He said the intent is to keep screening in the front and retain the backyard which is very

nice. He said the footprint is approximately 2500 sq. ft. He responded to general questions. Jim Wood also responded to questions regarding the plans, saying they propose to design the house around the existing one.

William R. Smith, 3554 O'Connor Drive, said he had spoken with other neighbors in opposition to the sidewalk and the widening of the street on aesthetic and safety grounds. He requested detail to safety concerns and a less formal asphalt walkway, possibly incorporating speed bumps in the street. He had fears this would set a precedent.

Oscar Palos, 3536 O'Connor Drive, said the neighborhood is predominately made up of one story homes. He requested that this be limited to one story also.

In rebuttal, Mr. Martin said he was told the parcel immediately to the west is two stories in the back. He said they would prefer not to be limited to a one story house at this time. He agreed to keep the house as low as possible, saying his lot is approximately four feet lower than the neighboring lot. He said the carport in front shouldn't hold up the process and if it does have to be amended to conform to setbacks, they would rather not but would submit an amendment. Moving the house to the front of the lot will require removal of several oak trees. He felt these issues could be worked out at design review.

There were no other speakers; the public hearing was closed.

Comm. Ateljevich felt it was a good lot split and the structure in back should remain a studio and possibly a parking space but the lot in front should be left as it would just be exposed parking and not attractive. A condition protecting trees is needed during construction and design review. For the footprint of the rear house, there should be a precise configuration including a size limitation as it appears there may already be too much lot coverage. The neighbors seem ambivalent about the sidewalk but very negative about the widening. The widening would seem to serve as a parking lot. The street is already parked full all day long. We should be careful before we intrude into a neighborhood with what will just add more parking as it does change the aesthetics. She suggested a deferred agreement and if the City hasn't come up with a plan within two years, the agreement is void. Neighbors should contact the Walkways Commission as they seem to be interested in a more informal walkway. She suggested that condition #33 include preservation of "better trees" in addition to oak trees.

Comm. Blits suggested a sentence regarding protection of privacy of adjacent neighbors so design review will take that into consideration. Comm. Garvens said she supports the application and agrees with most of what has been said by other Commissioners. There are two unresolved issues, one is design review so the house doesn't get out of scale with the neighborhood. Mr. Henn said there is a study session next week and lot coverage issues will be discussed.

Comm. Garvens stated that guidelines are needed on the issue os sidewalks as it is a recurring problem. Mr. Henn felt the ordinance should be amended if necessary.

Mark Lander, City Engineer, said he sees the area as 1/2 acre lots that are being subdivided into 1/4 acre lots and he questioned whether that subdivision could be supported by an unimproved street with no walkways, no shoulders, parking or drainage. An ahphalt berm and sidewalk would work but not last as long. He pointed out that this subdivision is being done for profit and there is an increase in City services required for each subdivision undertaken. A deposit equal to the amount of frontage improvements could be made to the City and used in a nearby area for improvements. The legal nexus is that we have another lot with more traffic and we are not asking for anything more excessive than we should have for any frontage improvements.

Comm. Ateljevich suggested that Mr. Lander work with the Walkways Commission on an ordinance to allow the transfer of obligations to nearby areas.

It was M/S/C (Garvens/Ateljevich) to continue MS 511-89 to March 22, 1990. Unanimous.

8. MS 508-89 PARVIZ MIRAFATABI (APPLICANT & OWNER), R-10: Request for a minor subdivision of .69 acres into two lots, located at 901 Dewing Avenue, APN 241-180-006. CONSIDERATION OF ADOPTION OF NEGATIVE DECLARATON OF ENVIRONMENTAL IMPACT - CONTINUED FROM 1/11/90.

Comm. Ateljevich was not present at the remainder of the meeting.

Mr. Henn said the Planning Commission requested more information including an acceptable building site on lot B, and a map in more detail so that the footprint could be staked. The new map is different than expected. There is an error with the hillside calculations. The rule is that they are based on the existing topography. The applicant has given calculations with the land developed. The

CITY OF LAFAYETTE
PLANNING COMMISSION MEETING

MINUTES

Lafayette Community Center
Lafayette, CA

January 11, 1990
7:30 p.m.

1. CALL TO ORDER: The meeting was called to order at 7:35 p.m. by Chairman Horn.

2. ROLL CALL

Present:	Commissioners Norgaard, Garvens, Ateljevich, Chairman Horn
Absent:	Commissioners Blits, Samson, Holt
Staff:	Carlos Anglin, Planning Director
	Mike Henn, Asst. Planning Director
	Betsy Van Popering, Associate Planner
	Dianne Aicardi, Recording Secretary

3. ADOPTION OF AGENDA: It was M/S/C (Garvens/Ateljevich) to adopt the agenda with the addition of 11(c) Discussion of Study Session on February 15, 1990. Unanimous.

4. PUBLIC COMMENT: There were no comments from the public.

5. CONSENT CALENDAR: It was M/S/C (Norgaard/Garvens) to adopt the Consent Calendar consisting of the TR 5008, MS 507-89, and the minutes of November 2, 1989, November 16, 1989, and December 14, 1989. Unanimous.

6. DR 46-89 GEORGE P. GRODAHL, (APPLICANT & OWNER), R-6: Request for design review approval of plans for a tennis court and gazebo per Section 6-525, Tennis Courts, and Section 6-2008(e) of the Hillside & Ridgeline Ordinance, and a variance to decrease the front yard setback from 20′ to 4′ to construct a fence over 6′ in height, located at 831 Las Trampas Road, APN 234-170-054. Continued from December 14, 1989 w/o hearing).

Mr. Henn reported that a memo from Mark Lander at the last meeting indicated his concern with the plans as submitted. He has since agreed to a more coventional pipe along the road. Plans have been revised to include Design Review Committee (DRC) recommendations. The neighbor across the street who originally objected is in agreement with the current plan which includes a 20 ft. setback. Staff recommends approval with the inclusion of added wording to condition #6 that the ". . . final detailed planting and irrigation plan shall be submitted for review and approval to the City landscape architect" and that "landscaping shall be installed prior to final inspection."

Bob Babcock, architect, reviewed the displayed map and discussed the landscaping and drainage plans, saying the gazebo indicated on the

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ridgeline ordinance was designed from the perspective of protecting offsite views and there are a couple of places where this house is very visible and will really break the skyline. It is a difficult lot and the house could be reconfigured by lowering the back portion and angling part of the house. It needs to go back before the DRC. She reminded the applicant that Dr. Lyons did not wish to push his house into the hill either but it did make for a house the whole neighborhood feels fits the site.

Chairman Horn concurred that the house doesn't work on the lot. He said when looking at the plans and visualizing the house, you are always presented with the looming northern view. Comm. Norgaard said he would like to see views representing reality, as people are going to see it and we should have continuous contours, including the Lyons house. Ms. Van Popering requested clarification of what is being requested. She was advised that redesign is being requested and if done, it should have overlays or a larger piece of the terrain on the section so the Planning Commission can better understand how the hill curves and slopes across. The house site should be staked again. Comm. Ateljevich felt even bringing the house down four ft. would get it to a point where the trees could begin to shield from below. Comm. Norgaard stated that a significant change in the offsite visibility impact is being requested.

It was M/S/C (Ateljevich/Garvens) to deny MSL 21-76CC without prejudice and DR 51-89 without prejudice. Unanimous.

Chairman Horn stated there is a 14 day appeal period to the City Council.

8. MS 511-89 SCHELL & MARTIN, LEO SCHELL (APPLICANT), CHESTER A. SARSFIELD (OWNER), R-10: Request for a minor subdivision of .577 acres into two lots, and a variance to reduce the sideyard for an accessory structure from 3' to 0', located at 3540 O'Connor Drive, APN 241-200-031.

Mr. Henn stated that this involves an area with 10,000 sq. ft. minimum lot sizes. The subject lot, in an undivided state, contains 25,000 sq. ft. There is a home in front and the proposal is to divide the lot into two with the front lot of 11,819 sq. ft. and the rear lot a little over 10,000 sq. ft. Both lots conform to R-10 zoning regarding area, width and depth. No major issues have arisen. A carport in the front is the covered parking for the lot. A letter came in today from a resident at 3542 O'Connor Drive expressing concern about drainage. A report from the City Engineer requested drainage improvements. Staff recommends taking testimony and continuation for preparation of conditions of approval if it is felt issues can be resolved.

Chairman Horn read the letter from Mr. Jacks, 3542 O'Connor Drive, dated January 10, 1990, expressing concern about the drainage affect on the street and at the back of the lot.

Howey Martin, architect, said he was present to respond to questions. In response to Comm. Ateljevich he indicated the existing carport structure which could be used as a parking area in front. He indicated another possible parking site on the map. He explained the drainage, saying there is a storm drain running along the back; he indicated where runoff will be picked up. He said a planting strip with several oak trees provides screening and privacy and a specific house for the site has not been designed as yet.

There were no speakers; the public hearing was closed.

Comm. Garvens said she felt when visiting the site that neighbors would want assurance that the oak trees would be protected and plans include a softening of the driveway. Comm. Ateljevich didn't feel the existing carport should be left that close to the street. She expressed concern about widening the street and whether the neighborhood wants that type of street, saying it causes a dramatic change in character of a neighborhod and neighbors need to know of major changes proposed. Comm. Garvens asked about the requirement for a wider street. Mr. Henn said it is a City ordinance requiring 50 ft. public streets and in the R-12 or denser, requires curb, gutter or sidewalk. Comm. Ateljevich did not agree with an ordinance requiring streets to be paved to 32 ft. and again stated her feeling that neighborhoods should have a say in what happens to the character of the neighborhood. Comm. Garvens suggested a future meeting with the Walkways Commission so they will have a better understanding of what the City wants.

Chairman Horn suggested a deferred agreement to add curb, gutter and sidewalk when the rest of the neighborhood does it.

Comm. Ateljevich recommended asking for the street dedication and widening providing it not occur until after a noticed meeting has been held at which the Planning Commission has made the decisions for that street. Comm. Norgaard suggested the Walkways Commission polling the neighborhood. Comm. Ateljevich said she preferred noticing that a wider street and sidewalks are proposed for a long range plan. Mr. Henn said a long continuance could include renoticing with specifics and a request for response if neighbors are dissatisfied. Comm. Ateljevich requested that this be done every time something like this comes up within a certain distance, 600 ft. or so. Comm. Garvens asked if any other lots are over 20,000 sq. ft. Mr. Henn said there are and several are in the 19,000 category. Comm. Ateljevich said there needs to be consideration also of the amount of house coverage that can go on these lots. Comm. Norgaard felt requiring DRC review and that it be housing suitable for single family use with reasonable landscaping and suitable for the neighborhood was important. Comm. Garvens suggested continuing for conditions of approval and felt the house structure in the back should be removed. Comm. Ateljevich stated that the footprint should not be along the dripline of any trees and adequate parking should be shown for the house in front

which is in conformance. Major oak trees should be retained. Mr. Henn said a problem with the short backup into the street is the problem with site distance and it could be covered through one of the findings.

It was M/S/C (Ateljevich/Norgaard) to February 8, 1990 for preparation of conditions of approval. Unanimous.

It was M/S/C (Ateljevich/Norgaard) to continue MS 511-89 to

9. MS 508-89 PARVIZ MIRAFATABI (APPLICANT & OWNER), R-10: Request for a minor subdivision of .69 acres into two lots, located at 901 Dewing Avenue, APN 241-180-006. CONSIDERATION OF NEGATIVE DECLARATION OF ENVIROMNENTAL IMPACT.

Mr. Henn said the lot contains about 7/10 of an acre and is quite different from the last application. There is a large home to the rear of the property. The lot conforms to the R-10 zoning but the applicant is requesting exclusion of some of the area from the hillside ordinance, 16% on parcel A and 20% on parcel B. The principle concern staff had was the relatively small building site on parcel B. After the staff report was prepared, two letters in opposition were received.

Parviz Marafatabi, applicant, said the exclusion is a very small percentage and he could not find anything in the ordinance indicating how to shape an exclusion. Comm. Ateljevich said it indicates the excluded part is of extremely steep topography such a deep revines, deep creekbanks or steep cut and fill banks or streams, the slope of which varies substantially and is inconsistent with the topography of the parcel. Mr. Marafatabi said it can be done that way. He indicated on the map the subdivision area and areas where retaining walls can be placed. He said there are problems with the changing area and they are attempting to keep it clean from debris. Regarding the two letters in opposition, he said the City Engineer is requiring a five foot easement for the sidewalk. Regarding the traffic concern, it is further down where the condominiums were placed and not above on his property.

Nancy Bishop said she had submitted a letter of concern. She questioned the findings regarding encouraging development. She said most lots are 1/2 acre or larger. She said her other concern is the buildability of the land and the changed character of the area. She said this would set a precedent and other neighbors have concerns and many couldn't be here this evening. Comm. Norgaard asked what she felt would be a good idea for the site. She said maintaining the wooded area is preferable. She said she did not understand the trash problem.

In rebuttal, Mr. Mirafatabi said there are a number of calls to the police regarding loitering by teenagers and trash being left. Comm.

Public Comment Letters in Order Received

Warmoth, Glenda

From: Nancy Crawford [Campcrawford@pacbell.net]
Sent: Wednesday, January 21, 2009 8:51 PM
To: Warmoth, Glenda
Subject: design review 3538 O'Conner Drive, Lafayette, Ca APN 241-200-046
Attachments: Inglis 017.jpg

Attn: Glenda Warmoth

Dear Ms. Warmoth;
I have dropped off 7 copies of attached for the Design Review Committee's review prior to the meeting tonight, as well as am forwarding to you the attached letter and photo for your review. Any questions, please don't hesitate to call.
Regards, Collin and Nancy Crawford (925)299-1466

City of Lafayette
Design Review Department 1/20/2009
3675 Mt. Diablo Blvd Suite 210
Lafayette, Ca 94549

To: City of Lafayette, Design Review Dept.

Re: Hearing on MS511-899CC & DR32-08 David Claydon on behalf of David and Ann Inglis

This is to inform you that we object, as neighbors to the application for approval of the exception on height and total square footage area of garage addition, of the Inglis structure @ 3538 O'Conner Drive, Lafayette, Ca. APN 421-200-046. We object due to proximity of the side yard to our yard noise due to increased traffic and light restriction due to building size.

Their current housing structure and the 10 foot offset is, according to my measurements, closer than 10 feet. Even if there is a 10 foot clearance, they have erected a dog pen which directly touches our back fence. The dog is in the pen barking day and night and while they are away.

The proposed structure would be massive in proportion to our U-shaped 1 story home, with

direct line of sight from the proposed add-on into our bedrooms, located in the rear of the property. There are other ways to accomplish their desired add on. The Inglis' could add onto current family room at ground level, on the west side of the property without affecting our right to privacy, quiet, and to light. Noise would still be an issue. As you can see from the pictures, the cars of the parents and teen are often out front and on the street. The proposed garage add on is an exception to item 6-1905, Finding for structure over 17 foot in height.

In Item 13 of the final plans for Inglis, approved 3/22/1990, the city engineering department in its hydraulic analysis called for a curb to be installed the length of the driveway. See pictures, the owners have illegally removed the curb that was called for in the final approved plans of 1998. According to city engineering requirements, the
reason for the curb, was to prevent runoff on our house, on the down hill slope. We subsequently have had problems with runoff when it rains as well as runoff excessive by the street. See exhibit A, letter from another neighbor, and exhibit B photos of their dog run touching our property, and also the landscaping overgrown and hanging onto our property. With the many furry friends mentioned in the architect's report, plus the comings and goings of 6 occupants, soon to be 7, as outlined in the report, there is rarely a quiet moment in this neighborhood now. We have requested many times that the Inglis' limit noise and trim the overgrown shrubbery due to problems with vermin growing in the shrubs. They have declined. If the city were to allow them to build a 576 foot structure on top of their existing garage, in violation of item 33 page 4 of the Schell & Martin Civil Engineering report, filed with the city on 11/6/08, would very much disrupt our privacy and quiet enjoyment of our property, as well as block out our light. In item # 4 in the City of Lafayette Staff Report dated 1/15/2009, Ms. Warmoth noted that typically second story additions violated the guidelines. They require that the architect to center the proposed addition on the property rathge than building over the garage to the East. . If the Inglis' had planned for a center of home addition, instead of a garage addition, the structure would be designed so that it does not unreasonably reduce the privacy or views of adjacent property. It does not have to be a second story addition; indeed, would be preferable that it not be. Addition of the current garage to 24

feet would totally block our light. It should be noted that the trees mentioned are not a screen, and do not guard our privacy as shown in the photos. In the Site Observations and Recommendations of the Inside Out Architecture report dated on 11/25/2008, paragraph 1 in Site Observations, it states that there is in an existing stand of trees on 3536 O'Conner which provide adequate buffer. This is not the case. Per accompanying photos, the

garage and proposed addition would be plainly visible and our privacy will be eliminated and quiet enjoyment impaired with the proposed second story addition. Increasing the garage height will prevent any light from coming through. Please see photos of the concrete wall on rear yard of property, and second story garage addition on front of property of Koch. We respectfully submit that the findings set forth in Section 6-1905 of the Lafayette Municipal Code cannot be made in this case, and that the structure allowance over 17 feet in height should not be approved.

Sincerely,

Collin and Nancy Crawford

3536 O'Conner Drive

Lafayette Ca 94549

(925)284-3319

APN # 241-200-044

DR32-08

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FEB 0 6 2009
CITY OF LAFAYETTE
PLANNING DEPT.

February 5, 2009

To Whom It May Concern:

It has been our pleasure living in front of Mr. & Mrs. David Inglis for the past twelve years. We share a driveway with the Inglis family and have constant contact with them.

Over the past twelve years we have found the Inglis' to be very cooperative neighbors and an asset to our neighborhood. They are very thoughtful of others and will do anything asked of them. They maintain their property well and are constantly doing things to their home to keep it in good repair.

We certainly hope they will be granted their building permit as it only serves to improve the value of our neighborhood.

Sincerely,

Katherine Koch

The Koch/Kauftheil Family
3540 O'Connor Drive
Lafayette, CA. 94549

Dmitry Marishkin and Elena Florova
3534 O'Connor Drive,
Lafayette, CA, 94549

March 06 2009

Dear David and Annie,

We do not have any objection to you adding a room over your garage. From our point of view if you add to the value of your home then it will help to raise the value of our home as well, so this would be a good thing for everybody.

I hope your application is approved,

Dmitry MARISHKIN phone 925-360-2819

ELENA FLOROVA phone 925-818-4760

My Neighbor has advised
me that he is interested in
Building an addition to his Property,
I have no objection

A Lech

3542 O'Connor Dr
San Jose 95121

Applicant & Owner Letters responding to Commission Guidance

DAVID CLAYDON

1472 Sunset Loop, Lafayette, Ca. 94549
tel. 925-946-9321 fax 925-946-9331
e-mail Drclaydon@aol.com

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MAR 18 2009
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PLANNING DEPT.

March 17, 2009

Glenda Warmoth
City of Lafayette
3675 Mt. Diablo Blvd, Suite 210
Lafayette, CA 94549

DR32-08 David & Ann Inglis

Dear Glenda
In response to the Design Review Commissioner's comments and subsequent conversation with you we have made further revisions to the project as follows.

- Reduced the overall height of the addition by lowering the floor by 1'-0". This puts the new ridge height at the same height as the existing main roof.

Locating the addition over the centre of the existing house was discussed during the closed part of the hearing so that we were not able to readdress this issue. At the previous DRC meeting we explained why the current location was the only feasible alternative and this was accepted and approved. We reiterate the reasons for not locating the addition as a second story above the center of the house as follows:

- The space required for a staircase would either result in the loss of a bedroom or a bathroom. As the purpose of the addition is to add another bedroom and bathroom this would be counterproductive.
- The house is constructed from a prefabricated system. To build a second story to current seismic code standards would involve extremely expensive engineering (the whole house would have to be strengthened, improved foundations, shear strengthening to walls etc.} which would make the project financially infeasible.
- There are high vaulted ceilings; a floor above would greatly reduce the charm of the interiors.
- The existing first floor is 3'-0" above grade, the second story would add considerably to the overall massing of the building.

Locating over the garage has several advantages:

- No additional foundation costs, a short stair that minimizes space loss, a lower overall height and sufficient new floor area to meet the needs of the family.
- The addition will visually merge with the existing structure being less than 3'-0" above the existing roof. Often an addition on one side is an awkward architectural

design solution, but, here the 3'-0" existing floor height and the steep roof pitch lends itself to a pleasing architectural solution.

- By setting the addition an additional 3'-0"back from the property line the impact on the neighbor is minimal
- Planting mitigation will completely ensure no visual or privacy impacts.
- Placing the larger windows at the North and South ends of the second floor addition will ensure privacy to the neighbor to the East.

If it were practically, financially and aesthetically appropriate we would have sited the addition at the center of the existing house or made the addition a single story structure in conformity with the City's Design Guidelines. Reasons for not adding a single story are obvious. There is little usable yard area suitable for an active family that includes three kids. The front and side yard setbacks preclude any development. This leaves only the rear yard, currently used for play and recreation. To use this area would involve loss of light to the existing Master Bedroom and loss of interior space due to need to access the addition. The addition would be looking out at the garage walls of the apartments and overshadowed by the redwood trees. The existing Master Bedroom would be less attractive with windows at one end and a reduced bathroom and closet area.

We listened very carefully to the neighbor's (Mr. & Mrs. Crawford) concerns.

- The photographs they presented at the DRC meeting focused on being able to <u>see</u> the existing and proposed addition. The photos presented by the Crawfords' were taken when there were no leaves on the trees - part of the garage wall above the 7' hedge was visible. In summer when the yard will be in use the trees will screen out the entire wall. As the Crawfords' are concerned about seeing a wall we will either let the Photinia hedge grow to a height of 15'-0" and or plant 4 redwood trees. This will effectively completely screen the house throughout the year. Another alternative - if the Crawfords' would like - the evergreen shrubs could be planted in their yard we would be willing to supply the plants.
- Privacy was also a concern. I think it has been demonstrated that the small windows with a sill height of 5'-0" will not impact their privacy. Under present conditions when the trees are in leaf there is not direct sight line into their yard. Our evergreen screening proposal would form a visual screen all year round.

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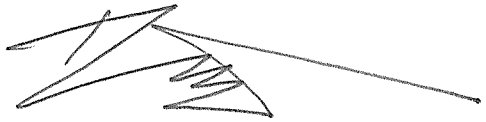
At the second meeting there was an additional request to talk to all the neighbors in particular to the most impacted- the Crawfords. Mr. and Mrs. Inglis have written to the Crawfords' and a meeting was held. Other neighbors have also been contacted.

David Claydon 

Ecl. One full size set of drawings and one reduced copy

David and Annie Inglis
3538 O'Connor Drive, Lafayette, CA, 94549

February 28 2009

Re. Our plan to add a bedroom suite above our garage / play room.

Dear Nancy and Colin,

I apologize for not having contacted you directly before to ask your opinion regarding our proposed extension. We had thought that because of the relatively small size of the extension the existing barriers between our properties (hedge, fence, and trees) would be enough to provide adequate screening, so that the effect on you would be minimal. This opinion was reinforced when you did not respond during the first public notice period. However, we now know that you do have objections to our proposed extension, and so I would like to take this opportunity to understand them in more detail so that we can hopefully come to an agreement.

One of the points that you have brought up is the location of the extension. Unfortunately there really is no other place to put it. As we have previously noted, any centrally located extension would necessarily be significantly higher than what we are currently proposing. In addition, as you have pointed out our house is modular, and this makes any extension over the house itself very hard to achieve for structural reasons. Finally, to add a central extension would require loosing an existing room (either a bedroom or bathroom) to accommodate a stairway, thus making it almost pointless.

We have also previously pointed out that an addition in our back yard would leave us with virtually no exterior space to enjoy, as well as blocking exterior light and access from our kitchen / family room. In addition, any extension here would be situated next to the garage wall that runs along the whole North side of our property and part of yours, meaning that the extension itself would have virtually no light. As enjoyment of your yard and light is one of the main points that concerns you I am sure that you will understand why this is not a valid option (think of it as the equivalent of adding a bedroom right in front of your conservatory/deck). Overall, for these reasons, an extension over our garage is the only possible way for us to add another bedroom.

Given the above, the only option we have is to work on changing the design of the existing proposed structure. As far as I can tell you have two main objections: privacy, and reduction of light due to the increased mass of our garage / play room structure. I hope that the privacy issue is now resolved (e.g. by the use of skylights rather than windows on the east facing wall if necessary), and we are currently reducing the height of the extension still further by re-working some of the existing interior structure to allow the upper floor to be lowered. This will have the effect of reducing the exterior wall heights, not just the ridge height as previously proposed.

However, because this may still not satisfy your concerns we would obviously very much like to know what you would consider acceptable. One thing that I think would be very helpful would be for us to see the board with photos mounted on it that you presented at the last two meetings. I assume that these photos are intended to show how our proposal would affect you, but as we have not yet seen them we cannot directly respond to them. Also, I think it would help greatly if we could come round and stand on your deck to see directly for ourselves what you see, and you could point out exactly where the problems arise. I would also like to take our own photos, so that we could them print them and mark up where the proposed extension would be situated, in order to see exactly what would be screened from you and what would not.

I very much hope that we can reach an agreement over this, so please could you let us know when it would be convenient to get together to talk over your concerns.

Regards

DAVID CLAYDON

1472 Sunset Loop, Lafayette, Ca. 94549
tel. 925-946-9321 fax 925-946-9331
e-mail Drclaydon@aol.com

February 5, 2009

DR32-08
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CITY OF LAFAYETTE
PLANNING DEPT.

Glenda Warmoth
City of Lafayette
3675 Mt. Diablo Blvd, Suite 210
Lafayette, CA 94549

DR32-08 David & Ann Inglis

Dear Glenda

Ref. your letter dated January 28, 2009.

Item 1. Floor Plan: The second floor plan has been completed in detail, ref; sheet A/2

Item 2. Site Plan: approximate locations of adjacent houses to the east have been added to the site plan.

Item 3. Privacy, light and air: The wall of the neighbor's house to the east is 31'-0" from the fence/property line. The neighbor's floor is approximately 4-0"" higher than the floor of the playroom. See section through site sheet A/3. There are two large trees close to the property line, 35' and 25' high. In summer they block out sight of the upper portion of the subject house. The proposed second floor addition is approximately 44' from the neighbor's house.

The suggestion to increase the setback of the second floor is not feasible as it will result in a narrow room. We have already set the upper floor back as far as possible in order to offset the impact on the neighbor. We were complimented by the Design Review Commissioners on the modest nature of this addition and stand behind our original design. If the design review commissioner's are of the opinion that the proposed windows will result in a loss of privacy we would (reluctantly) put in skylights. To reduce the massing we have lowered the plate height, reduced the roof pitch and hipped on end of the roof.

We have previously presented the reasons for sighting the addition over the garage as opposed to other locations as follows:

1. The existing house is raised 3'-0" above grade and has vaulted ceilings. To add an extra story over the existing structure would eliminate one of the existing bedrooms as space for a stair is necessary. The reason for the addition is to gain a bedroom.

2. To add a single story addition is not feasible. Front and side yard setbacks limit development leaving just a small area at the rear. Using this lawn area would cause hardship and also compromise the existing plan in terms of getting access to the addition.

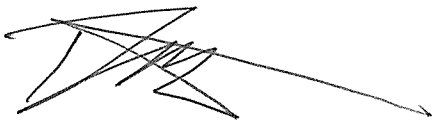
I think when the Planning Commission see the site section they will understand the minimal impact of the proposed addition.

I welcome your suggestions on how we proceed from here.

Two full size and one 11x17 reduction attached

Please call me if you have any further questions.

David Claydon



DR32-08

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FEB 0 6 2009
CITY OF LAFAYETTE
PLANNING DEPT.

David and Ann Inglis
3538 O'Conner Driver
Lafayette, CA, 94549

925-283-0688

City of Lafayette Planning Dept.
Attn: Ms. Glenda Warmoth, Assistant Planner 1-31-09

Re: MS511-89CC & DR32-08 DAVID CLAYDON (APPLICANT), DAVID & ANN INGLIS (OWNERS), R-10 ZONING

Dear Glenda,

We would like to take this opportunity to comment on a number of factual errors and other items in the letter from Colin and Nancy Crawford to the City of Lafayette, Design Review Dept., dated 1-20-09. As we did not know about this letter until the Planning Commission meeting on 1-22-09, and there had been no comment at the previous Design Review meeting, this is the first chance we have had to respond. The items in quotes below are taken directly from the letter.

- "Their current housing structure and the 10 foot offset is, according to any measurements, closer than 10 feet. Even if there is a 10 foot clearance, they have erected a dog pen which directly touches our back fence."
  The "housing structure" referred to is the garage structure, and at the closest point is 10.35 feet from the property line (Schell & Martin letter dated 11-6-08). Between the garage and the property line there are: a fenced area that can be used as a dog run; a hedge; another fence (all on our side of the line); and then finally the Crawford's fence. At no point does the dog run touch the Crawford's fence, and is in fact at all points more than 4 feet away. The proposed addition would be set back 3 feet further than the garage, i.e. a total of more than 13 feet from the property line.

- "The dog is in the pen barking day and night and while they are away."
  At no time have we ever had any dogs in the dog run overnight. In addition, this area has not been used as a dog run at all for more than 4 years. This was a result of a number of episodes when a dog was let out of the run while we were out, culminating in one of our dogs being run over and killed.

- The proposed structure would be massive in proportion to our U-shaped 1 story home."
  It is our understanding that the floor area of the Crawford's home (excluding garage) is 2996 sq ft, approximately 12.5% more than ours, which is 2662 sq ft. In addition, despite being situated at a slightly higher elevation, the highest ridge line of our house is actually below that of the Crawford's. The proposed addition would not therefore make our home "massive" in comparison. See attached photos, in which our house is almost invisible behind that of the Crawford's (you can just see the top of our roof).

- "The Inglis' could add onto current family room at ground level, on the west side of the property."
  We assume that this refers to an addition in the 'L' to the north of the kitchen and the west of the garage structure. While this is physically possible, however it was arranged some part would still be visible from the Crawford's home. It would also reduce the usable back yard area by about half (making it unusable for almost any purpose), significantly increase the overall structure footprint, and possibly eliminate any access to the back yard apart from via bedrooms.

- "As you can see from the pictures, the cars of the parents and teen are often out front and on the street."
  Our cars are almost always parked either in our garage, or on our property immediately in front of our house, where they are screened from the Crawfords property their fence and our evergreen hedge. We have plenty of parking for our cars, and the only time we (occasionally) have cars parked on the street (near our driveway) is if visitors are blocking the drive. Because there are businesses on both sides of O'Conner Drive fronting Moraga Rd, during business hours this area of the street is always full with business related cars parked on either side.

- "... the owners have illegally removed the curb that was called for..."
  We have no knowledge of this curb. Whatever this refers to, we have removed nothing from the driveway."

- "... also the landscaping overgrown and hanging onto our property."
  We are not aware of what this refers to. However, it is our understanding that the Crawford's are at liberty to trim back anything (e.g. part of a hedge) that overhangs their property, and hence they are at liberty to deal with this issue themselves.

- "6 occupants, soon to be 7..."
  We do from time to time have visitors from abroad who stay with us for varying periods, occasionally for months at a time (e.g. Ann's mother). However, all the bedrooms used by these visitors are at the West end of our house, and in addition as they do not have cars there is no significant noise impact.

- "We have requested many times that the Inglis' limit noise ..."
  We do not recall any requests to limit noise, indeed I do not know what noise is being referred to. Unfortunately this is not a particularly quiet neighborhood. In particular both the Crawford's and ourselves have apartments to the North, the Crawfords have business properties to the East, and there are businesses on both sides of O'Connor Drive.

- "... and trim the overgrown shrubbery due to problems with vermin growing in the shrubs."
  I (David) was once asked by Mrs. Crawford to trim the evergreen hedge between our properties for the reason stated. I do trim our side and the top of the hedge (as far as I

can reach across) every year, but I have been progressively allowing the height of the hedge to increase to provide additional visual and noise screening between our properties (In line with what I believe the Crawford's want). As stated above, the Crawfords are at liberty to trim their side. Regarding the "vermin", we have cats that use this hedge as a route between the front and back of our property, and consequently I believe that vermin are unlikely to be a problem.

- "…a center of home addition… would be designed so that it does not unreasonably reduce the privacy or views of adjacent property."
  Any center of home addition would necessarily be considerably higher than the current proposed addition: 1) the house is raised approximately 3 feet above the level of the garage; 2) the house has vaulted ceilings throughout, with a 10 foot 6 inch ceiling height in the center. As a result, a center addition would be approximately 5 foot 6 inches higher than a similar over-garage addition, therefore increasing rather than reducing the visual bulk. There would also be a problem regarding access to the addition, as there is no room to locate a stairway in the center of the home.

- "our privacy will be eliminated and quiet enjoyment impaired…"
  The proposed addition does not significantly impinge on the Crawford's privacy. The only windows currently proposed on the East side are 5 foot sill-height windows which could use obscured glass, and even these could easily be eliminated by using skylights instead. However, the Crawfords do seem to be excessively concerned with privacy on our side of their property, given that they do not appear concerned with similar issues on other sides. For example, they have not added any screening in the North-East quadrant of their property, giving people in the apartments and other properties to the North and businesses to the East an un-restricted view of their house and yard (See attached photos taken from 911 Moraga Rd).

- "Addition of the current garage to 24 feet would totally block our light."
  "Increasing the garage height will prevent any light from coming through."
  The ridge height of our house is currently 21 foot 6 inches, i.e. we are asking for a 2 foot 6 inch increase in maximum ridge height. Whilst this small increase may reduce the light entering the Crawford's garden, during most of the year the Crawford's existing trees between the two properties already provide a significant amount of afternoon and evening shade (see attached photos, which show the height of the existing trees between our properties), and hence the proposed addition will not affect the light and shade to anything like the extent suggested by the Crawfords.

Please could we ask you to provide copies of this letter to the Design Review Commission as part of the submission for the next Design Review meeting.

Sincerely,

David and Ann Inglis

Views of East side of 3536 O'Conner Drive (Crawford's) from business property at 911 Moraga Rd., showing to the West of 3536 the tops of the trees between 3536 and 3538 (Inglis'), and behind them (just) the top of the roof of 3538.